

REMARKS AND ARGUMENTS

Introduction

Receipt of the Office Action mailed March 7, 2007 is acknowledged. Claims 1-8 are pending. Claims 5-8 stand withdrawn from consideration. Claim 9 is new. Support for the new claim is found on page 15, line 9. No new matter has been added. Entry of the amendment and favorable reconsideration are earnestly solicited.

Claim Rejections – 35 U.S.C. § 112

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner contends that it is unclear whether the Applicant is attempting to claim a compound or a method. Applicant currently amends the claim to recite a medicament comprising the compound of claim 1. Applicant submits that the current amendment overcomes the rejection under section 112, second paragraph.

Claim Rejections – 35 U.S.C. § 101

Claim 4 stands rejected under 35 U.S.C. §101. The Examiner contends that the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Applicant currently amends the claim to recite a medicament comprising the compound of claim 1. Applicant submits that the current amendment overcomes the rejection under section 101.

Claim Rejections – 35 U.S.C. § 102(b): Muenster et al.

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,258,357 to Muenster et al. The Examiner contends that the '357 patent discloses

thiophene-carboxamides and furan-carboxamides that are the same as those instantly claimed.

Applicant amends the definitions of E and Y to overcome the rejection. Specifically, Applicant amends the definition of E to recite a monocyclic or polycyclic substituted or unsubstituted ring system which contains at least one aromatic ring and which may also contain one or more groups X selected from S, O, N, NR₄, SO or SO₂. Support for this amendment may be found on page 14, lines 6-8 in the specification as filed. Applicant amends the definition of Y to recite a phenyl substituted by one or more R' substituents. Support for this amendment may be found on page 15, line 8. Applicant respectfully submits that the compounds recited in the currently amended claim 1 are patentably distinguishable from the carboxamides described in Muenster et al.

Claim Rejections – 35 U.S.C. § 102(b): Katsuhira et al.

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,747,041 to Katsuhira et al. The Examiner contends that the '041 patent discloses heterocyclic dicarboxamide compounds of Formula (I) that are the same as those instantly claimed. In light of the current amendment to the definition of R², Applicant respectfully submits that the compounds recited in claim 1 are patentably distinguishable from the compounds described in Katsuhira et al.

Conclusion

This application is ready for allowance. Accordingly, Applicant requests early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

A one-month extension of time is required with this submission. The Commissioner is authorized to charge any deficiency in fees or credit any overpayments to Deposit Account No. 09-0528 (Docket # F093 1100.1).

Respectfully submitted,

Date: June 7, 2007



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